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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/677,691

10/02/2000

Robert G. Arsenault

PD-200017

3401

20991

7590

11/30/2006

THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/677,691
Filing Date: October 02, 2000
Appellant(s): ARSENAULT ET AL.

MAILED

NOV 30 2006

Technology Center 2600

Georgann S. Grunebach
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/01/06 appealing from the Office action
mailed 06/30/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,401,242

EYER ET AL.

6-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7, 9-15, 17-23, 25-31, 33-39, 41-47 and 49 rejected under 35 U.S.C. 103(a) as being unpatentable over **Eyer et al (6,401,242)**. This rejection is set forth in a prior Office Action, mailed on 06/30/06.

(10) Response to Argument

Appellant's argument with respect to the rejection of claims 1-7, 9-15, 17-23, 25-31, 33-39, 41-47 and 49 under 35 U.S.C. 102(e) as being anticipated by Eyer et al (6,401,242) of the final office action mailed on 11/28/05 will not be discussed since the final office action mailed on 06/30/06, withdrew and vacated the final office action of 11/28/05.

As to Appellant's argument that the rejection of claims 1-7, 9-15, 17-23, 25-31, 33-39, 41-47 and 49 as being unpatentable over **Eyer et al (6,401,242)** is not founded because "...Nothing in Eyer suggest that ABC broadcasts a program guide on one of its service channels (presumably, one of the 2-13 channels of a television set..." that "...Applicants are unsure as to the meaning of this argument. It appears as if the Examiner is arguing that two program guides are merged, but does not address all the features of the last clause of claim 1..." that "...the Applicants do not see how the foregoing discloses a second service channel logically offset by an amount specified in the first program guide information..." that "...First, it does not correctly describe Eyer's region ID. The region ID does not 'identify the region transmitting the second program guide information.' Regions do not transmit anything. Transmitters located within regions may transmit information, but regions themselves do not..." that "...it does not appear that Eyer has any reason to care which service network transmitted the second

program guide information...” that “...Eyer does not transmit program guide information on different channels...” and furthermore that “...the applicants do not see how the foregoing discloses a second service channel logically offset by an amount specified in the first program guide information...”

In response, Examiner respectfully disagrees. Examiner, notes Appellant's arguments, however, Eyer discloses in figures 1 and 2, a method and apparatus for delivering an Interactive Program Guide (IPG) data (global and local programming services) to integrated receiver-decoders (IRDs) in a decoder population via a cable or satellite network and further disclose in a broadcasting system having a first service network (National or Global Network) broadcasting a first signal having a first set of program guide information (National or Global IPG) describing at least a portion of the first set of program material, and second service network (Regional or Local Network) broadcasting a second signal having a second set of program material and second program guide (Regional or Local IPG) describing at least a portion of the second set of program material, where the first broadcast signal (National or Global) and the second broadcast signal (Regional or Local) each includes a service channels uniquely described by a service channel identifier. Eyer further discloses an IPG Translator (IPG-Trans) 225, which receives National or Global-IPG data “first program guide information” and Regional or Local-IPG data “second program guide information” and uses channel grouping criteria, such as common source, field of interest, etc., (col. 6, lines 6-22 and col. 15, line 54-col. 16, line 3) to form Bundles “portion” of Global-IPG data and “portion” of Local-IPG data and maps portion of the Global-IPG and Local-IPG

Art Unit: 2623

to service channels "first service channel" and "second service channel" (col. 17, line 49-col. 18, line 11) of transport stream "first broadcast signal" (fig. 4, col. 10, lines 10-31, Bundles 400-415 and col. 12, line 31-col. 13, line 1+) and transmits the broadcast signal to IRDs 130 "receiving station," that allows the IRDs 130 to recover only IPG-data for its region (col.5, lines 44-67 and col. 8, lines 6-63). The each received digital IPG-data (global or local) includes a unique service channel identifiers, a value logically offset from each other that distinguishes one from the other as illustrated in fig.2. Eyer, further teaches where the first program guide information and the second program guide information is merged according to a comparison (col. 6, line 65-col. 7, line 15 and col. 10, lines 21-48, but fails to explicitly teach where second guide information includes data identifying the service network transmitting the second guide information. However, this deficiency is further illustrated in fig.2, where Eyer further teaches region ID and name, which identifies a region transmitting the second program guide information. Hence it would have been obvious to one of ordinary skilled artisan to modify system to provide data identifying a service network transmitting the second program guide to enable the head end system or receiving station to identify and manage the EPGs that are received from the various EPG sources or service network as desired. Hence, Examiner maintains the 35 U.S.C. 103(a) rejection of 1-7, 9-15, 17-23, 25-31, 33-39, 41-47 and 49 as being unpatentable over Eyer is proper and should be sustained, since the rejection meets all the claimed limitations.

(11) Related Proceeding(s) Appendix

None

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Annan Q. Shang

Conferees:

A handwritten signature in black ink, appearing to read "Annan Q. Shang". The signature is stylized with a large, looped "S" and a trailing flourish.

Annan Q. Shang

Chris S. Kelley

A handwritten signature in black ink, appearing to read "Chris S. Kelley". The signature is stylized with a large, looped "C" and a trailing flourish.

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Chris C. Grant

THE DIRECTV GROUP, INC.

CA/LA1/A109

2250 E. IMPERIAL HIGHWAY

P. O. BOX 956

EI SEGUNDO, CA 90245